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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,771	10/31/2003	Christopher D. Bartlett	FMCE-P103	9592
7590 Henry C. Query, Jr. 504 S. Pierce Avenue Wheaton, IL 60187			EXAMINER BEACH, THOMAS A	
			ART UNIT 3671	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/19/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/698,771

Applicant(s)

BARTLETT, CHRISTOPHER D.

Examiner

Thomas A. Beach

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-8, 14, 16-20, 27, 34-38 and 45 is/are rejected.
- 7) ☒ Claim(s) 2,3,9-13,15,21-26,28-31,33 and 39-49 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application
- ☐ Other: ____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of claims in the reply filed on 09/29/06 is acknowledged. The required election is hereby vacated by the Examiner and claims 1-49 are treated on the merits.

Specification

2. The abstract of the disclosure is objected to because it fails to include --and apparatus-- after “method” on line 1 since the claims are directed to both methods and apparatus(s). Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 4-8, 14, 16-20, 27, 34-38 and 45 are rejected under 35 U.S.C. 102(e) as being anticipated by Blair et al 6,817,417. Blair shows the method and apparatus for attaching a first component 16 which comprises a depending portion to a second component 12 which comprises a bore that is sized and configured to receive the

depending portion (18 & 36 are received in the bore 50), the first and second components being exposed to a fluid which is at an ambient pressure, the method comprising the steps of inserting the depending portion at least partially into the bore; and creating a bore pressure within the bore which is less than the ambient pressure; wherein a pressure difference between the ambient pressure and the bore pressure will force the depending portion into the bore to thereby attach the first component to the second component(col. 2, lines 35-45 & 60 -65). Blair further shows that the first component is a well cap 16 and the second component 12 with a wellhead and tree (claim 32).

As concerns claim 4, Blair shows the pressure creating step comprises the step/device(s) of removing at least a portion of the fluid from the bore 28.

As concerns claim 5, Blair shows the fluid removal step comprises the steps/device(s) of providing a fluid conduit, which extends through at least one of the first and second components and communicates with the bore 28.

As concerns claims 6, 16 and 34, Blair shows the steps/device(s) of providing a vacuum means (not shown, but inherent to create suction); and fluidly connecting the vacuum means to the fluid conduit (via 28 and 30).

As concerns claim 7, 17-20, and 35-38, Blair shows the vacuum providing step comprises the step of providing a self-contained vacuum means, which is sufficiently light weight to be carried by an ROV (col. 2, lines 45-47).

As concerns claims 8, 27 and 45, Blair shows the step/device of mechanically locking the first component to the second component (with seal members 42 and 52).

Allowable Subject Matter

5. Claims 2-3, 9-13, 15, 21-26, 28-31, 33, and 39-49 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Beach whose telephone number is 571.272.6988. The examiner can normally be reached on Monday-Friday, 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will can be reached on 571.272.6998. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thomas A. Beach



December 11, 2006

THOMAS A. BEACH
Primary Examiner
Group 3600